

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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MARNA TOLCHIN, as trustee of the RJ TOLCHIN 2020
GRANTOR CLAT,

Case No:
22-Civ.-5884

Plaintiff,

COMPLAINT

-against-

MARC TOLEDANO,

Defendants.

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Plaintiff, complaining of Defendant, by her attorneys, THE BERKMAN LAW OFFICE, LLC, alleges for her complaint, upon information and belief, as follows:

THE PARTIES

1. At all times mentioned herein, RJ TOLCHIN 2020 GRANTOR CLAT (“TRUST”) is a charitable lead annuity trust organized and existing under the laws of the State of New York and Internal Revenue Code §§ 170, 2055, and 2052 and the regulations thereunder governing charitable lead annuity trusts.

2. At all times mentioned herein, Plaintiff MARNA TOLCHIN (“TOLCHIN”) is a natural person, resident of the City and State of New York, County of Kings.

3. At all times mentioned herein, TOLCHIN is the trustee of the TRUST.

4. At all times mentioned herein, the beneficiaries of the TRUST are residents of the State of New York.

5. Upon information and belief, at all times mentioned herein, Defendant MARC TOLEDANO (“TOLEDANO”) is a natural person who is a citizen and resident of Israel.

6. Upon information and belief, at all times mentioned herein, Defendant TOLEDANO is a general partner of COMFORTE CAPITAL LIMITED PARTNERSHIP (“COMFORTE”) a partnership organized and existing under the laws of the State of Delaware, with its principal place of business located in Jerusalem, Israel.

7. Upon information and belief, at all times mentioned herein Plaintiff TRUST is a limited partner in Defendant COMFORTE.

JURISDICTION

8. This Court has subject matter jurisdiction over this claim as it is a claim between Plaintiff TRUST, which is a resident of New York State, and Defendant TOLEDANO, who is a resident of Israel, and the amount in controversy exceeds the sum of \$75,000.

9. This court has personal jurisdiction over this claim as Defendant TOLEDANO has consented to jurisdiction in the Eastern District of New York.

AS AND FOR A CLAIM FOR RELIEF

10. Plaintiff repeats and re-alleges each of the foregoing allegations with the same force and effect as if more fully set forth herein.

11. On or about March 2, 2021 Plaintiff TRUST invested \$250,000 in COMFORTE and became a limited partner in that entity.

12. Per the investment agreement, COMFORTE was to distribute profits on a quarterly basis.

13. Per the investment agreement, Defendant TOLEDANO, as the general partner, was required to provide Plaintiff and other investors with periodic updates on the financial condition of COMFORTE.

14. Pursuant to the Internal Revenue Code, COMFORTE was required to issue a K-1 form for 2021 reporting profits, losses, capital accounts and other financial information on or before September 15, 2022.

15. Other than one early distribution of profits, Plaintiff has received no distributions from COMFORTE.

16. Plaintiff has received no books and records of COMFORTE's operations.

17. Plaintiff did not receive a K-1 for 2021 despite the passing of the deadline for COMFORTE to issue same.

18. Plaintiff has made demand on TOLEDANO to provide information about the financial condition of COMFORTE and to issue the K-1, but TOLEDANO has stated that he cannot because information necessary to respond to Plaintiff's inquiries and to prepare the K-1s is in the possession of other parties.

19. TOLEDANO as general partner of COMFORTE owes Plaintiff as an investor in COMFORTE a fiduciary or other trust-based duty with respect to the business and affairs of COMFORTE.

20. As a result of this trust-based relationship between Defendant TOLEDANO, as general partner, and Plaintiff, as a limited partner investor, Plaintiff TRUST is entitled to an accounting with respect to COMFORTE.

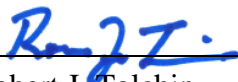
21. An accounting is necessary to determine the true and full information about the financial affairs of COMFORTE.

WHEREFORE, Plaintiff demands judgment against Defendant TOLEDANO for a accounting with respect to Defendant COMFORTE, plus attorney's fees to the extent permitted by law.

Dated: Brooklyn, New York
September 30, 2022

Yours,

THE BERKMAN LAW OFFICE, LLC
Attorneys for Plaintiff

by: 
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